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Drawing Amendments

There are no amendments to the drawings.

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Remarks

This a full and timely response to the outstanding Office Action mailed on 09/22/2005. In response, please consider the following remarks. The Office Action rejected claims 1, 8, 12, and 19 as being unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,475,738 of A.A. Penzias (hereafter referred to as Penzias). Further, claims 1-23 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,796,791 of M.J. Polcyn (hereafter referred to as Polcyn). Also, claims 3, 14, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Polcyn in view of U.S. Patent Application Publication No. 2003/0069780 of J.W. Hailwood, et al. (hereafter referred to as Hailwood). In addition, claims 5, 9, 16, and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Polcyn in view of U.S. Patent No. 5,799,278 of M. Cobbett, et al. (hereafter referred to as Cobbett). Finally, claims 6, 7, 10, 11, 17, and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Polcyn in view of Cobbett and further in view of U.S. Patent No. 5,842,165 of V.R. Raman, et. al (hereafter referred to as Raman). Claims 1, 3, 5, 12, 14, 16, 19, 21, and 23 are being amended. Claims 2, 4, 13, 15, 20, and 22 are being cancelled.

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Rejection of Claim 1 under 35 U.S.C. §102(b)

This rejection is respectfully traversed. Amended claim 1 recites:

> receiving audio information from the destination endpoint;
> concurrently analyzing using automatic speech recognition the received audio information for words and tones; and
> determining a call classification for the destination endpoint in response to the step of analyzing.

With respect to claim 1, the Office Action considered both "a first type of classification" and "a second type of classification" as spoken words and rejected on this basis. Amended claim 1 now recites analyzing using automatic speech recognition for "words" and "tones" in place of "a first type of classification" and "a second type of classification". Original claim 8 also recites analyzing using automatic speech recognition for "words" and "tones". In rejecting, claim 8 as being anticipated by Penzias under 35 U.S.C. §102(b), the Office Action stated "concurrently analyzing using automatic speech recognition the received audio information for words (a live person inherently answers a call with spoken words) and tones (answered by an answering machine) (column 8, lines 39-57; column 6, lines 29-35)". The text cited by the Office Action at column 6, lines 29-35 states:

> voice message. Accordingly, decision 48 waits for a tone of a well-defined frequency to be transmitted by the AUDIX system. TTS interface 16 may recognize the tone as received through dialer 22 by the use of conventional audio tone recognition

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techniques. Such techniques may be embodied as software
stored in memory 20 and executed by processor 18.

Clearly, this cited text only discloses that conventional
audio tone recognition techniques are used and does not
disclose or suggest using automatic speech recognition
analysis techniques for tones as recited in amended claim 1.

The text cited by the Office Action at column 8, lines
39-57 states:

> In this embodiment, TTS interface 16 may advantageously
> determine whether a person answers or whether the call is
> answered by the voice messaging system (e.g., AUDIX or a
> conventional answering machine). This determination may be
> made, for example, with the use of conventional speech
> recognition techniques. In particular, TTS interface 16 may
> recognize a predetermined "script" as comprised in the
> prerecorded greetings message of the voice messaging system.

Clearly, this cited text discloses that the voice
messaging system is recognized by detecting the "prerecorded
greetings message of the voice messaging system" which
would be spoken words but not by doing tone detection.

In summary, Penzias does not anticipate amended
claim 1 under 35 U.S.C. §102(b).

Rejection of Claim 8 under 35 U.S.C. §102(b)

This rejection is respectfully traversed. Claim 8 is
patentable over Penzias for the same reasons as amended
claim 1.

Rejection of Claim 12 under 35 U.S.C. §102(b)

Amended claim 12 is patentable over Penzias under
35 U.S.C. §102(b) for the same reasons as amended claim 1.

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Rejection of Claim 19 under 35 U.S.C. §102(b)

Amended claim 19 is patentable over Penzias under 35 U.S.C. §102(b) for the same reasons as amended claim 1.

Rejection of Claims 1-23 under 35 U.S.C. §103(a) over Polcyn

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the second criteria, Applicant respectfully asserts that the Examiner has not met the first or third criteria.

The Office Action states:

> Polcyn fails to explicitly teach using speech recognition to determine whether a call is answered by a live person or by an answering machine. However since Polcyn teaches that the predictive dialer 110 comprises a voice recognition unit (column 9, lines 9-13), and the predictive dialer 110 determines that whether a call is answered by a live person or by an answering machine (column 12, lines 55-67), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Polcyn's reference, so that the voice recognition unit would have been utilized to determined a call classification by recognizing a tone generated by answering machine and spoken words from a live person, because such a modification would have clarified the teaching of Polcyn of how the predictive dialer determined a call classification.

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The cited text gives no disclosure or suggestion that the voice recognition unit uses automatic speech recognition methods to detect a tone. The cited text states:

> After initiating a call by whatever means, predictive dialer 110 determines if the call is answered (step 503). If the call is not answered, system 10 reschedules the particular target for a later attempt (step 504). However, if the call is answered, predictive dialer 110 determines if the call is being answered by an automated answering device (step 505). It shall be appreciated that methods for determining the presence of an automated answering device are notoriously well known in the art and, therefore, will not be discussed in detail here. However, the preferred embodiment detects a tone signal transmitted from an automated answering device in order to determine that the communication has not been answered by a human.

Clearly, Polcyn states "methods for determining the presence of an automated answering device are notoriously well known in the art." Hence, one skilled in the art would simply use one of these well known methods to detect an answering device as stated in Polcyn. Hence, given the disclosure and suggestions of Polcyn, one skilled in the art would use a well known method for detecting tones. Absence the teaching of applicants' specification there is no reason one skilled in the art would find it obvious to use automatic speech recognition to detect tones in Polcyn such hindsight is impermissible. As stated in M.P.E.P. § 2141, section entitled BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS, "(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references

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must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention;...."

Applicants respectfully submit that claims 1-23 are patentable over Polcyn under 35 U.S.C. 103(a).

Rejection of Claims 3, 14 and 21 under 35 U.S.C. §103(a) over Polcyn in view of Hailwood

Claims 3, 14 and 21 are directly dependent on claims 1, 12 and 19, respectively, and are patentable under 35 U.S.C. §103(a) over Polcyn in view of Hailwood for at least the same reasons as claims 1, 12 and 19 since Hailwood does not disclose or suggest the detection of tones using automatic speech recognition methods nor does the Office Action claim that it does.

Applicants respectfully submit that claims 3, 14 and 21 are patentable over Polcyn in view of Hailwood under 35 U.S.C. 103(a).

Rejection of Claims 5, 9, 16, and 23 under 35 U.S.C. §103(a) over Polcyn in view of Colbbett

Claims 5, 9, 16, and 23 are directly dependent on claims 1, 8, 12, and 19, respectively, and are patentable under 35 U.S.C. §103(a) over Polcyn in view of Colbbett for at least the same reasons as claims 1, 8, 12, and 19 since Colbbett does not disclose or suggest the detection of tones using automatic speech recognition methods nor does the Office Action claim that it does.

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Applicants respectfully submit that claims 5, 9, 16, and 23 are patentable over Polcyn in view of Colbbett under 35 U.S.C. 103(a).

Rejection of Claims 6, 7, 10, 11, 17, and 18 under 35 U.S.C. §103(a) over Polcyn in view of Colbbett and further in view of Raman

Claims 6, 7, 10, 11, 17, and 18 are directly or indirectly dependent on claims 1, 8, and 12, respectively, and are patentable under 35 U.S.C. §103(a) over Polcyn in view of Colbbett and further in view of Raman for at least the same reasons as claims 1, 8, and 12 since Colbbett and Raman singularly or in combination do not disclose or suggest the detection of tones using automatic speech recognition methods nor does the Office Action claim that they do.

Applicants respectfully submit that claims 6, 7, 10, 11, 17, and 18 are patentable over Polcyn in view of Colbbett and further in view of Raman under 35 U.S.C. 103(a).

Summary

In view of the foregoing, applicants respectfully request consideration of amended claims 1, 3, 5, 12, 14, 16, 19, 21, and 23, reconsideration of original claims 6-11, 17, and 18, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the

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Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

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